

August 11, 1916.
[H. R. 11155.]

[Public, No. 195.]

Reclamation Service.
Sale of railroad in
Boise project, Idaho,
constructed by.
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Property included.

Auction sale.

Proceeds to irriga-
tion project.

Provisos.
Rejection of bids.
Private sale.

Terms, etc.

CHAP. 318.—An Act To authorize the Secretary of the Interior to cause to be appraised and to sell the Boise and Arrowrock Railroad, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in the opinion of the Secretary of the Interior the Boise and Arrowrock Railroad, constructed by the Reclamation Service under the provisions of the Act of Congress of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), for use in connection with the construction of the Arrowrock Dam, Boise project, is no longer needed for said construction purpose, the said Secretary of the Interior may cause said railroad, together with the right of way on which the same is located, and such part of the equipment and appurtenances used in connection therewith as he shall deem most profitable or economical to sell in connection with said railroad, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value, at public auction, to the highest bidder, after giving public notice of the time and place of sale by posting upon the premises and by publication once a week for not less than four weeks in a newspaper of general circulation in the city of Boise, Idaho, and in three other publications such as may, in the judgment of the Secretary of the Interior, give adequate publicity to the proposals of the Government, the proceeds of such sale to be covered into the reclamation fund and credited to the Boise project, and such credit applied upon the features of said project against which the cost of the construction of said railroad was charged: *Provided*, That said Secretary may reject any or all bids: *Provided further*, That after said railroad has once been offered for sale at public auction and not sold the Secretary may, in his discretion, sell said railroad, together with the equipment and appurtenances aforesaid, at private sale on such terms and conditions, and at such price as he may deem to be to the best interest of the Government. Any sale hereunder shall be subject to the terms and conditions of two certain agreements, one dated March second, nineteen hundred and eleven, between the United States and the Barber Lumber Company, and the other dated November eighteenth, nineteen hundred and fifteen, between the Oregon Short Line Railroad Company and the United States.

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[H. R. 12365.]

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State irrigation dis-
tricts.
Public lands within,
subject to State laws.

CHAP. 319.—An Act To promote the reclamation of arid lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when in any State of the United States under the irrigation district laws of said State there has heretofore been organized and created or shall hereafter be organized and created any irrigation district for the purpose of irrigating the lands situated within said irrigation district, and in which irrigation district so created or to be created there shall be included any of the public lands of the United States, such public lands so situated in said irrigation district, when subject to entry, and entered lands within said irrigation district, for which no final certificates have been issued, which may be designated by the Secretary of the Interior in the approval by him of the map and plat of an irrigation district as provided in section three, are hereby made and declared to be subject to all the provisions of the laws of the State in which such lands shall be situated relating to the organization, government, and regulation of irrigation districts for the reclamation and irrigation of arid lands for agricultural purposes, to the same extent and in the same manner in which the lands of a like character

held under private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entry made under the public land laws of the United States are accorded all the rights, privileges, benefits, and exemptions given by said State laws to persons holding lands of a like character under private ownership, except as hereinafter otherwise provided: *Provided further*, That this Act shall not apply to any irrigation district comprising a majority acreage of unentered land.

SEC. 2. That the cost of constructing, acquiring, purchasing, or maintaining the canals, ditches, reservoirs, reservoir sites, water, water right, rights of way, or other property incurred in connection with any irrigation project under said irrigation district laws shall be equitably apportioned among lands held under private ownership, lands legally covered by unpatented entries, and unentered public lands included in said irrigation district. Officially certified lists of the amounts of charges assessed against the smallest legal subdivision of said lands shall be furnished to the register and receiver of the land district within which the lands affected are located as soon as such charges are assessed; but nothing in this Act shall be construed as creating any obligation against the United States to pay any of said charges, assessments, or debts incurred.

That all charges legally assessed shall be a lien upon unentered lands and upon lands covered by unpatented entries included in said irrigation district; and said lien upon said land covered by unpatented entries may be enforced upon said unpatented lands by the sale thereof in the same manner and under the same proceeding whereby said assessments are enforced against lands held under private ownership: *Provided*, That in the case of entered unpatented lands the title or interest which such irrigation district may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to the following conditions and limitations: If such unpatented land be withdrawn under the Act of Congress of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), known as the reclamation Act, or subject to the provisions of said Act, then the interest which the district may convey by such tax proceedings or tax deed shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said Act of June seventeenth, nineteen hundred and two, but the holder of such tax deed or tax title resulting from such district tax shall be entitled to all the rights and privileges in the land included in such tax title or tax deed of an assignee under the provisions of the Act of Congress of June twenty-third, nineteen hundred and ten (Thirty-sixth Statutes, page five hundred and ninety-two), and upon submission to the United States land office of the district in which the land is located of satisfactory proof of such tax title, the name of the holder thereof shall be indorsed upon the records of such land office as entitled to the rights of one holding a complete and valid assignment under the said Act of June twenty-third, nineteen hundred and ten, and such person may at any time thereafter receive patent upon submitting satisfactory proof of the reclamation and irrigation required by the said Act of Congress of June seventeenth, nineteen hundred and two, and Acts amendatory thereto, and making the payments required by said Acts.

SEC. 3. That no unentered lands and no entered lands for which no final certificates have been issued shall be subject to the lien or liens herein contemplated until there shall have been submitted by said irrigation district to the Secretary of the Interior, and approved by him, a map or plat of said district and sufficient detailed engineering data to demonstrate to the satisfaction of the Secretary of the Interior the sufficiency of the water supply and the feasibility of the project, and which shall explain the plan or mode of irrigation in those

Proviso.
Rights, etc., of owners.

Lands excepted.

Charges, etc., to be apportioned.

Lists to land offices.

United States not liable.

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Proviso.
Conditions of tax titles.

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Rights as assignee.

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Issue of patent.

Plans, etc., for irrigation subject to approval of the Secretary of the Interior.

irrigation districts where the irrigation works have not been constructed, and which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops, and which shall also show the source of water to be used for irrigation of land included in said district: *Provided*, That the Secretary of the Interior may, upon the expiration of ten years from the date of his approval of said map and plan of any irrigation district, release from the lien authorized by this Act any unentered land or lands upon which final certificate has not issued, for which irrigation works have not been constructed and water of such district made available for the land: *Provided further*, That in those irrigation districts already organized and whose irrigation works have been constructed and are in operation as soon as a satisfactory map, plat, and plan shall have been approved by the Secretary of the Interior, as in this Act provided, such entered and unentered lands shall be subject to all district taxes and assessments theretofore actually levied against the lands in said district and in the same manner in which lands of a like character held under private ownership are subject to liens and assessments.

Proviso.
Release of lien if work not constructed.

Lands subject to taxes on approval of plans, etc.

Record of approval in land offices.

Unentered lands.
Tax a continuing lien.

Payment by entrymen required.

Unpatented lands not in irrigation projects.
Issue of patents.
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Qualifications, etc.

Application.

Subsequent purchase if fees not paid.

SEC. 4. That upon the approval of the district map or plat as hereinbefore provided by the Secretary of the Interior the register and receiver will note said approval upon their records where any unentered or entered and unpatented lands are affected.

SEC. 5. That no public lands which were unentered at the time any tax or assessment was levied against same by such irrigation district shall be sold for such taxes or assessments, but such tax or assessment shall be and continue a lien upon such lands, and not more than one hundred and sixty acres of such land shall be entered by any one person; and when such lands shall be applied for, after said approval by the Secretary of the Interior, under the homestead or desert-land laws of the United States the application shall be suspended for a period of thirty days to enable the applicant to present a certificate from the proper district or county officer showing that no unpaid district charges are due and delinquent against said land.

SEC. 6. That any entered but unpatented lands not subject to the reclamation Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), sold in the manner and for the purposes mentioned in this Act may be patented to the purchaser thereof or his assignee at any time after the expiration of the period of redemption allowed by law under which it may have been sold (no redemption having been made) upon the payment to the receiver of the local land office of the minimum price of \$1.25 per acre, or such other price as may be fixed by law for such lands, together with the usual fees and commissions charged in entries of like lands under the homestead laws, and upon a satisfactory showing that the irrigation works have been constructed and that water of the district is available for such land; but the purchaser or his assignee shall, at the time of application for patent, have the qualification of a homestead entryman or desert-land entryman, and not more than one hundred and sixty acres of said land shall be patented to any one purchaser under the provisions of this Act.

These limitations shall not apply to sales to irrigation districts, but shall apply to purchasers from such irrigation districts of such land bid in by said district.

That unless the purchaser or his assignee of such lands shall, within ninety days after the time for redemption has expired, pay to the proper receiver all fees and commissions and the purchase price to which the United States shall be entitled as provided for in this Act, any person having the qualification of a homestead entryman or a desert-land entryman may pay to the proper receiver, for not more

than one hundred and sixty acres of said lands, for which payment has not been made, the unpaid purchase price, fees, and commissions to which the United States may be entitled; and upon satisfactory proof that he has paid to the purchaser at the tax sale, or his assignee, or to the proper officer of the district for such purchaser or for the district, as the case may be, the sum for which the land was sold at sale for irrigation district charges or bid in by the district at such sale, and in addition thereto the interest and penalties on the amount bid at the rate allowed by law, shall be subrogated to the rights of such purchaser to receive patent for said land.

Payment of irrigation charges, etc.

In any case where any tract of entered land lying within such approved irrigation district shall become vacant by relinquishment or cancellation for any cause, any subsequent applicant therefor shall be required, in addition to the qualifications and requirements otherwise provided, to furnish satisfactory proof by certificate from the proper district or county officer that he has paid all charges then due to the district upon said land and also has paid to the proper district or county officer for the holder or holders of any tax certificates, delinquency certificates, or other proper evidence of purchase at tax sale the amount for which the said land was sold at tax sale, together with the interest and penalties thereon provided by law.

Disposal of vacant entered lands.

SEC. 7. That all notices required by the irrigation district laws mentioned in this act shall, as soon as such notices are issued, be delivered to the register and receiver of the proper land office in cases where unpatented lands are affected thereby, and to the entryman whose unpatented lands are included therein, and the United States, and such entryman shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership, and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

Issue of notices.

Appeals, etc.

SEC. 8. That all moneys derived by the United States from the sale of public lands herein referred to shall be paid into such funds and applied as provided by law for the disposal of the proceeds from the sale of public lands.

Disposal of receipts.

Approved, August 11, 1916.

CHAP. 320.—An Act Authorizing the Secretary of the Interior to make payments to certain Indians of the Rosebud Sioux Reservation, in the State of South Dakota, who were enrolled and allotted under decisions of the United States district and circuit courts for the district of South Dakota.

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[H. R. 15298.]

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any funds in the Treasury to the credit of the Rosebud Band of Sioux Indians of the State of South Dakota, such sums as may be found by him to be due those Indians enrolled and allotted on the Rosebud Reservation in South Dakota, under the decisions of the United States district and circuit courts for the district of South Dakota, in the cases entitled "Mary Sully and others against The United States and John H. Scriven, allotting agent," and "Narcisus Drapeau and others against The United States and John H. Scriven, allotting agent," and each Indian who was enrolled and allotted under said decisions shall be entitled to and receive a sum of money equal in amount to all per capita and other payments made to individual members of the Rosebud Band of Sioux Indians from December thirty-first, eighteen hundred and ninety-six, or from the date of the birth of such Indian if subsequent to December thirty-first, eighteen hundred and ninety-six, to the date of the enrollment and allotment of said Indians under said

Rosebud Band of Sioux Indians, S. Dak. Payments to certain enrolled members.

Amount.